

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7198 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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ABDUL GAFAR HUSEN PANJA

Versus

GUJARAT INDUSTRIAL DEVELOPMENTCORPN

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Appearance:

MR ANSHIN H DESAI for Petitioners

MR YF MEHTA for Respondents.

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 11/08/1999

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. Y.F. Mehta,  
learned advocate for the respondents.

2. It has been alleged by the petitioners that they are earning their livelihood by carrying on fishing industry on revenue Survey No. 1785 of Prabhash Patan situated at Bhidiya plot. The grievance in this petition

is with regard to inaction on the part of the respondent in not following policy of allotment of plots as per the provisions of the Gujarat Industrial Development Act, particularly when the adjoining land bearing survey no. 1942/1 admeasuring 1 acre 3.5 gunthas was acquired and then not used for the purpose of acquisition resulting into abandonment of the acquisition proceedings. The petitioners' case is that they set up the industries before the date of acquisition praying for the grant of land in the year 1992 as per the policy referred to in the petition. Yet the plots are not being allotted as per the price prevailing in the year 1992-93. It is the case of the petitioners that other similarly situated persons have been allotted plots of land even after acquisition in 1992. The petitioners have, therefore, prayed for appropriate direction to the respondents to allot land bearing plot no. 1403 located at G.I.D.C. Estate, Prabhash Patan as per the price prevailing in the year 1992 as it is done in similar cases.

3. Mr. Y.F. Mehta, learned advocate for the respondents submits that no representation or application as referred to in the petition is tracable with the 1st respondent. Therefore, the only submission which he can make is that in case a fresh representation is made, the 1st respondent will consider the same in accordance with law.

4. Having regard to the facts of the case, following direction is issued :-

The petitioners will make representation with regard to the case of the petitioners as set out in this petition within 15 days from today. The 1st respondent will consider the representation and decide the same in accordance with law within 8 weeks from the date of receipt of representation.

Subject to this direction, rule is discharged. No order as to cost. D.S.P.

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PVR.